

Notice of Allowability

Application No.

10/000,276

Examiner

Michael G. Bogart

Applicant(s)

BEAUFORE ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview on 12 May 2005.
2. ☒ The allowed claim(s) is/are 1, 4-13, 15, 17-19, 21-26, 28, 30-32, 34-38, 40, 42, 43, 50, 53-67 and 69-111.
3. ☒ The drawings filed on 02 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12 May 2005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Brinkman on 12 May 2005.

The application has been amended as follows:

Cancel claims 14, 16, 27, 29, 39, 41, 44-49 and 68.

In claim 1, lines 4 and 9, delete "inlet".

In claim 4, line 3, delete "inlet".

In claim 7, lines 2 and 4, delete "inlet".

In claim 30, line 1, delete "inlet".

In claim 32, line 2, delete "inlet".

In claim 42, line 1, delete "inlet".

In claim 50, lines 7 and 14, delete "inlet".

In claim 53, line 2, delete "inlet".

In claim 56, lines 4, 8 and 11, delete "inlet".

In claim 79, line 6, delete "inlet".

In claim 80, line 6, delete "inlet".

In claim 89, line 4, delete "inlet".

In each of claims 96 and 97, at line 2, after "valve", insert --member--.

In claim 98, line 3, delete "inlet".

Replace claim 67 with the following:

--A urinary catheter comprising:

a urine discharge passageway;

a urinary flow control valve associated with said urine discharge passageway;

said urinary flow control valve being a double-duckbill valve;

said double-duckbill valve having:

an inlet operable to control urine flow therethrough;

a first duckbill structure having a first pair of inclined walls terminating at a first apex;

a second duckbill structure oriented perpendicular to said first duckbill structure and having a second pair of inclined walls terminating at a second apex;

said orifice comprising a single slit formed in only one of said first and second apexes;

and

an elastomeric band disposed about said double-duckbill valve and operable to urge said inlet orifice to a closed position.--

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Larry Schwartz may be reached at phone number (571) 272-4390. The fax phone number for the organization

Art Unit: 3761

where this application or proceeding is assigned is (703) 872-9306 for formal communications.

For informal communications, the direct fax to the Examiner is (571) 273-4933.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Bogart
12 May 2005



Larry I. Schwartz
Supervisory Patent Examiner
Group 3700